

# EXHIBIT 5

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**KEITH REED, LISA DOLENCE,  
ELIZABETH SCHENKEL, EMILY WINES,  
AND MARK GARAN, individually and on  
behalf of others similarly situated,**

**Plaintiffs,**

**v.**

**ALECTO HEALTHCARE SERVICES LLC,  
and ALECTO HEALTHCARE SERVICES  
WHEELING, LLC d/b/a OHIO VALLEY  
MEDICAL GROUP and d/b/a OVMC  
PHYSICIANS,**

**Defendants.**

**Case No. 5:19-cv-00263-JPB**

**District Judge John Preston Bailey**

**Class Action**

**DEFENDANTS' FIRST SUPPLEMENTAL RESPONSES TO PLAINTIFFS'  
FIRST SET OF INTERROGATORIES**

Defendants Alecto Healthcare Services LLC ("Alecto") and Alecto Healthcare Services Wheeling LLC d/b/a Ohio Valley Medical Center ("AHS Wheeling") (collectively "Defendants") provide the following first supplemental responses to Plaintiffs' First Set of Interrogatories Directed to Defendants:

**INTERROGATORIES**

**INTERROGATORY NO. 5:** Describe in detail all steps that Defendants (or either of them) took to try to sell OVMC or its assets to third-parties in 2019, including identifying all sale-related correspondence sent out, all other steps taken, who took each step on behalf of Defendant(s), when it was taken, and the third party(ies) toward whom the action was directed.

**FIRST SUPPLEMENTAL ANSWER:** Alecto and/or AHS Wheeling took the following steps to secure a purchaser, investor, or strategic partner:

purchasers/investors may contain legal advice and/or may have been drafted in anticipation of litigation.

**INTERROGATORY NO. 6:** Describe in detail all steps taken by Alecto and/or Alecto Wheeling between January 1, 2019 and August 8, 2019 to seek or business to continue OVMC's operations, including listing the steps that were taken, when they were taken, who took the steps on behalf of Defendant(s), and the outcome.

**FIRST SUPPLEMENTAL ANSWER:** See Alecto and AHS Wheeling's first amended responses to Interrogatory Nos. 5 and 7.

**INTERROGATORY NO. 7:** If Alecto and/or Alecto Wheeling sought additional capital or financing to continue OVMC's operations in 2019, identify and describe each such request or application that Alecto and/or Alecto-Wheeling made to any third-party, including the type of transaction/ arrangement and amount of funds sought, the date the application or request was made, to whom the application or request was submitted, the outcome (e.g., loan given for X dollars, or loan denied), and the date the financing request was granted or denied. Attach copies of all financing requests and applications, and all responses thereto, to your answers.

**FIRST SUPPLEMENTAL ANSWER:** Alecto and/or AHS Wheeling had multiple discussions with MPT of Wheeling-Alecto Hospital, LLC ("MPT Wheeling"), White Oak Healthcare Finance, LLC ("White Oak"), and CNH Finance Fund I, L.P. ("CNH"), regarding requests for additional funding and additional borrowing capacity under existing credit facilities. Michael Sarrao and Jeremy Redin participated in discussions with MPT Wheeling, White Oak and/or CNH.

MPT Wheeling may be reached via its counsel at Baker Donelson. CNH may be reached through its counsel Alexander Frame at Kincaid Law Office, 6151 Wilson Mills Road, Suite 310, Highland Heights, OH 44143 and (440) 771-2050. White Oak may be reached through its counsel, Jeffrey Misher at King & Spalding, 1185 Avenue of the Americas, 34th Floor, New York, New York 10036 and (212) 556-2100.

Alecto and AHS Wheeling had multiple discussions with MPT Wheeling about MPT Wheeling providing additional funding for improvements and operating needs of OVMC and EORH. Given the existing relationship with MPT Wheeling, there were no formal applications submitted to MPT Wheeling and no specific funding figures were requested. Except not immediately pursue its remedies related to Alecto Wheeling's defaults under various agreements with MPT Wheeling, MPT Wheeling denied Alecto Wheeling's requests for additional funding.

Alecto and Alecto Wheeling engaged in multiple discussions in 2019 with White Oak and/or CNH about providing Alecto and Alecto Wheeling with additional borrowing capacity under the existing accounts receivable credit facility with White Oak, which was subsequently sold and assigned to CNH. No specific funding figures were ever requested. White Oak rejected these requests. CNH made some modest adjustments to reserves, but these adjustments did not provide any material amount of additional borrowing capacity much less the capacity needed for OVMC and EORH as OVMC's and EORH's collections were not sufficient to meet their operating cash needs.

**ALECTO HEALTHCARE SERVICES LLC and  
ALECTO HEALTHCARE SERVICES  
WHEELING LLC**

By Counsel,

IN THE UNITED STATES DISTRICT COURT  
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KEITH REED, LISA DOLENCE,  
ELIZABETH SCHENKEL, EMILY WINES,  
AND MARK GARAN, CHRISTINA LUCAS, and  
AUGUST ULLUM, individually and on  
behalf of others similarly situated,

Plaintiffs,

v.

Civil Action No.: 5:19-cv-263  
Judge Bailey

ALECTO HEALTHCARE SERVICES LLC,  
and ALECTO HEALTHCARE SERVICES  
WHEELING, LLC d/b/a OHIO VALLEY  
MEDICAL GROUP and d/b/a OVMC  
PHYSICIANS,

Defendants.

VERIFICATION

STATE OF CALIFORNIA,  
COUNTY OF ORANGE, to-wit:

I, Michael Sarrao, being duly sworn, deposes and states that: (1) I hold the position of Executive Vice President at Alecto Healthcare Services LLC and the position of Executive Vice President at Alecto Healthcare Services Wheeling LLC; and (2) I have read "Defendants' First Supplemental Responses to Plaintiffs' First Set of Interrogatories" and know the contents thereof and the responses provided by Alecto Healthcare Services LLC and Alecto Healthcare Services Wheeling LLC are true to my knowledge, information, and belief.

  
MICHAEL SARRAO

Subscribed and sworn to before me on this 21<sup>st</sup> day of April, 2021 by Michael Sarrao,  
proved to me on the basis of satisfactory evidence to be the person who appeared before me.

[SEAL]

  
NOTARY PUBLIC

